

AF 15v.

PATENT

Docket No.: 049657-0625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re Application of

Takayuki SHINOHARA, et al.

Application No.: 09/514,369

Filed: February 28, 2000

For: MEMORY SYSTEM FOR PORTABLE TELEPHONE

Customer Number: 20277

Confirmation Number: 9468

Tech Center Art Unit: 2686

Examiner: Joy K. Contee

NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Mail Stop Notice of Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated February 24, 2005 of the Primary Examiner finally rejecting claims 1-7 and 9-19.

Applicant believes that no fee for Notice of Appeal or for extension of time is required because this Notice of Appeal is filed only to prevent the application from becoming abandoned.


More specifically, a Request for Reconsideration in response to the Office Action dated February 24, 2005 was filed on May 24, 2005. Examiner Joy K. Contee and Supervisory Examiner Marsha Banks-Harold indicated that a new non-final Office Action issued in response to the Request for Reconsideration was counted or processed on August 22, 2005. However, it is not clear whether this Office Action was mailed by August 24, 2005, which is a non-extendable due date for filing a Response to the previous Office Action.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby

made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AVY:MWE
Facsimile: 202.756.8087
Date: August 24, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**